

Melrose Township
P.O. Box 189
Walloon Lake, MI. 49796

June 14, 2005

My name is Mike Webster and I am the Supervisor of Melrose Township, a general law township within Charlevoix County, which is part of the 105th State House District. The Township has an approximate population of 1400 people with an influx of 200-300 people during the summer months. Many come from all over the United States to enjoy one of the jewels of Northern Michigan: Walloon Lake.

I'd like to thank the Committee for giving me the opportunity to discuss H.B. 4576 since it has direct ramifications upon our community. Melrose Township currently has eight roads that end at the water's edge. All of them are within residential zoning. Some of the road ends have docks and some do not. Those with docks have anywhere from four to eight boats at any given time during the boating season. The families of non-lakefront owners, or "backlotters" as they are sometimes described in other communities, have used these docks for several decades. Though boats are typically moored overnight at these locations, the docks are available for use by the general public.

To ensure appropriate behavior and proper use of the docks, road end associations have formed and developed bylaws. These associations pay for installation, removal of docks, and carry liability insurance. Within our community there is genuine concern for adjacent property owners. We have been able to establish a code of conduct without resorting to violence or lawsuits.

The legislation that is before you today, H.B. 4576 is lacking. It is based upon case law, which decides issues based upon a narrow perspective. In the case of *Jacobs v. Lyon Township* the Court held that, "unless there is evidence to the contrary, the scope of dedication of publicly dedicated roads terminating at inland navigable waters is to provide public access to the surface of the water body and that a non-exclusive dock may be installed to aid in access." The court looked at it from a narrow perspective and it merely focused upon the scope of dedication.

The legislature, however, should look at the issue from a broader perspective, taking into consideration land use issues and local control issues. The broader perspectives will take into consideration the uniqueness inherent in the various parts of the great State of Michigan.

The broader perspective will look at the results that may occur at such road ends. For instance, traffic and parking issues that currently do not exist will arise due to daily and temporary docking of boats. Passage of H.B. 4576 will not decrease the demand for use

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of the lake and road ends by non-lakefront property owners. Rather, the nature of their access to the lake and use of the road ends will change. Boaters will launch their watercraft at the public ramp; have someone pilot the watercraft to the road end of choice, at which they will park their tow vehicles and trailers. This is just one negative result of the simplistic approach to the legislation written. What other negative results might occur? That is what this committee must consider.

Legislation can be enacted that would allow local planning commissions to develop a road end ordinance that would meet the requirements of their land use plans, unique to their communities. In studying this issue, I realized there are some inequities that need to be worked out. However, these inequities should be worked out at the local level of government. I realized that there are multi-jurisdictional issues, but these issues should also be worked out at the local level. The Committee needs to take its time and study the issues and then write a good law that will benefit the community as a whole.

Two years ago, the Melrose Township Board of Trustees unanimously passed a motion in opposition to H.B. 4141, which was the precursor to H.B. 4576. I ask this Committee to set aside H.B. 4576 and consider writing a more appropriate piece of legislation that will empower local governments to determine use of roads ending at the water's edge.

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